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Joseph P. McCool, Pro Se  
27 Lukens Street  
Feasterville, PA 19053-6507  
215-396-2350

United States District Court  
Middle District of Pennsylvania

Harry E. Williams Jr.,  
Plaintiff

vs.

Pennsylvania Turnpike Commission,  
Defendant

Case Number: 1:CV-01-0877

J. Rambi

FILED  
HARRISBURG, PA

APR 03 2003

MARY E. D'ANDREA, CLERK  
Per AK Deputy Clerk

MOTION TO QUASH SUBPOENA

Petitioner respectfully requests the Court to quash the attached Subpoena in a Civil Case for the referenced case number. Petitioner believes the serving party willfully and maliciously failed to take reasonable steps to avoid imposing undue burden and expense on the person subject to the subpoena. Petitioner also asks the Court to impose any appropriate sanction including reimbursement of all expenses related to this motion.

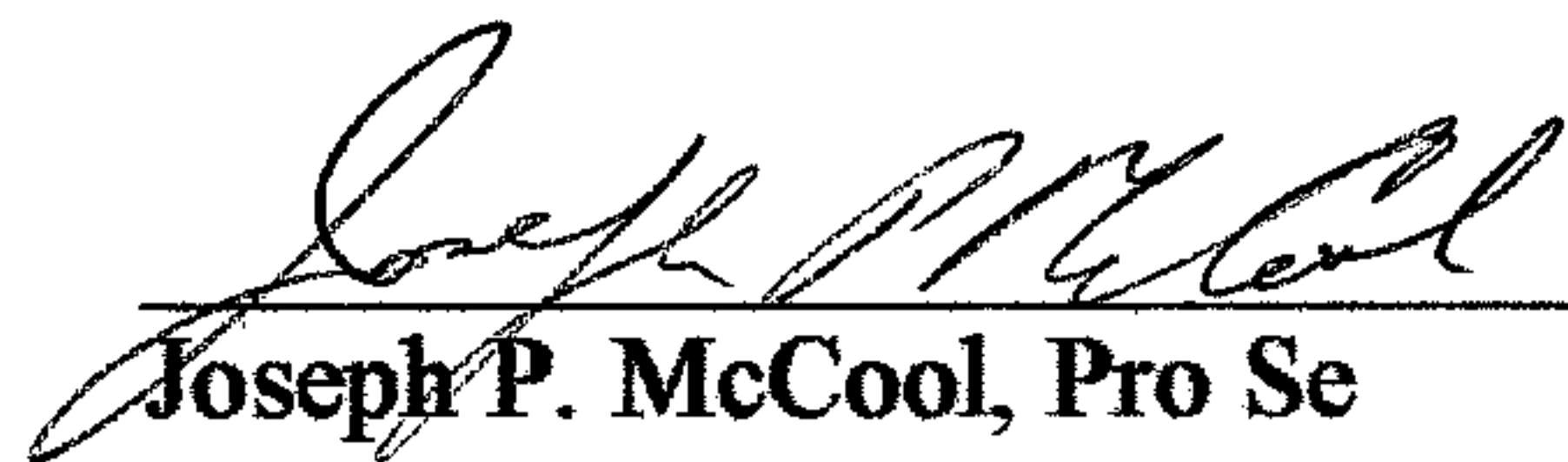
STATEMENT OF FACTS

Subpoena was served on Wednesday April 2, 2003 at approximately 5:00 PM giving Petitioner less than five (5) days notice. Petitioner has notified the serving party and the Counsel for the Defendant, both verbally and in writing, that Petitioner will not obey the subpoena because the subpoena purports to require a non-party to attend at a place not within the limits provided by Rule 45, (c) (3) (A) (ii), Counsel for Plaintiff failed to depose the Petitioner during discovery,

and has not shown a substantial need for Petitioner's testimony as provided by Rule 45, (c)(3)(B)(iii) (see Exhibit 1 attached.). Counsel had attempted to subpoena Petitioner in a related matter and Petitioner's Motion to Quash Subpoena was granted by this Court (see Exhibit 2 attached). Counsel is aware of the rules for issuance of subpoenas and has willfully and maliciously disregarded them causing undue burden, embarrassment and harassment to Petitioner.

The subpoena also places undue burden on petitioner as it fails to allow reasonable time in compliance with Rule 27, (a) (2), places undue expense on petitioner in that it does not include sufficient reimbursement for transportation by common carrier or mileage, tolls, and parking expense if a privately owned vehicle is used, and jeopardizes petitioner's employment. Petitioner has recently started a new job and is currently in a probationary period.

Counsel for Plaintiff failed to depose Petitioner during discovery. Petitioner believes his testimony will favor Defendant and harm Plaintiff.

  
Joseph P. McCool, Pro Se

DATED: 4/2/03

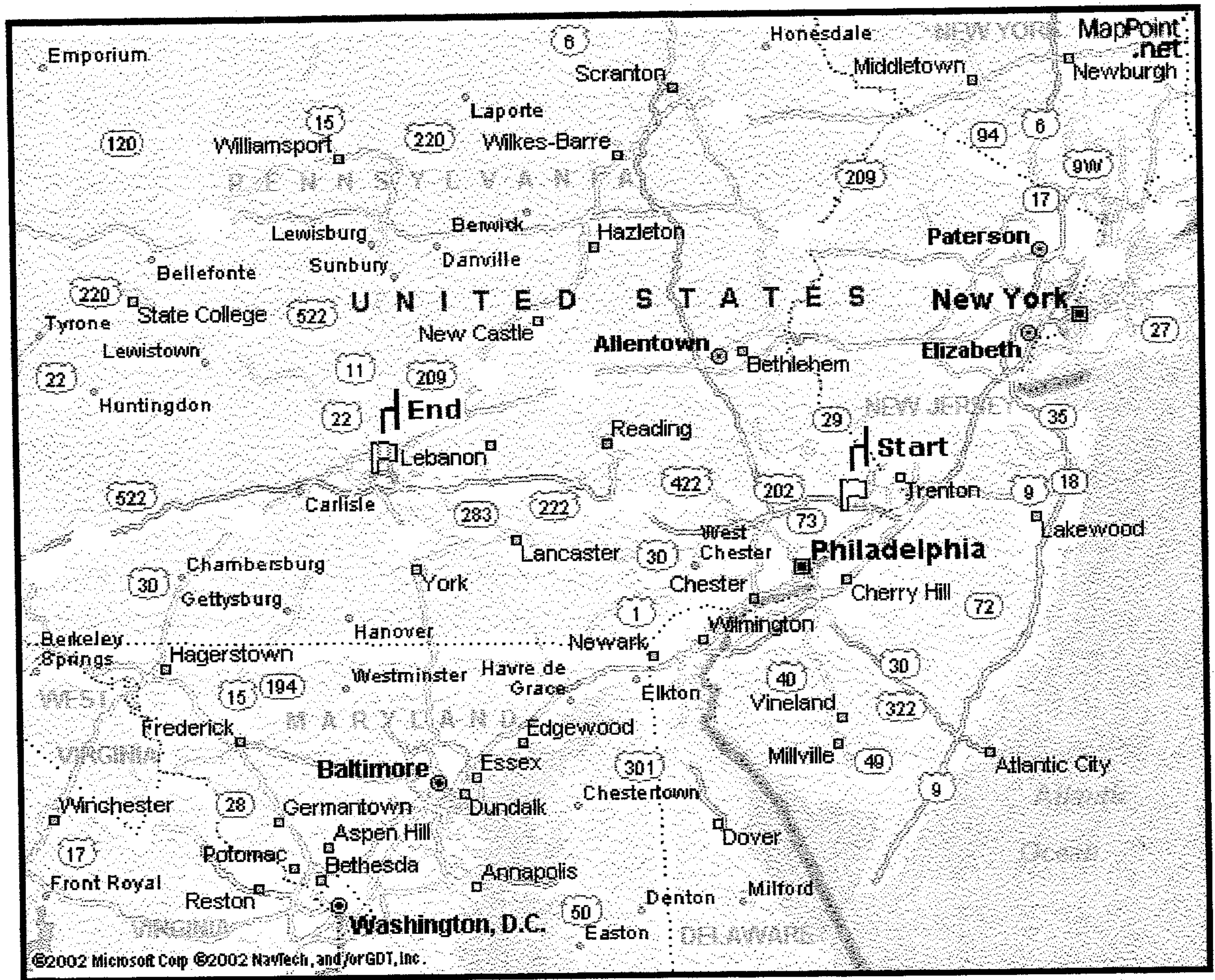


Joseph P. McCool,



Maps & Directions

Start: 27 Lukens St, Feasterville Trevose, PA 19053  
End: 228 Walnut St, Harrisburg, PA 17101  
Total Distance: 115.0 Miles  
Estimated Total Time: 1 hour, 57 minutes



Directions	Miles	Map
Start: Depart 27 Lukens St, Feasterville Trevose, PA 19053 on Lukens St (North-East)	0.2	
1: Bear RIGHT (East) onto Trevose Rd	0.7	
2: Turn RIGHT (South-East) onto SR-132 [E Street Rd]	1.2	
3: Take Ramp (RIGHT) onto US-1 [Lincoln Hwy] towards US-1 / Morrisville	0.4	
4: Keep RIGHT onto Ramp towards I-276 / Pennsylvania Turnpike	0.6	
5: Keep RIGHT to stay on Ramp towards I-276 / I-76 / I-476 / Harrisburg / Allentown / West Exits 27 - 1 / North Exits 31 - 39		

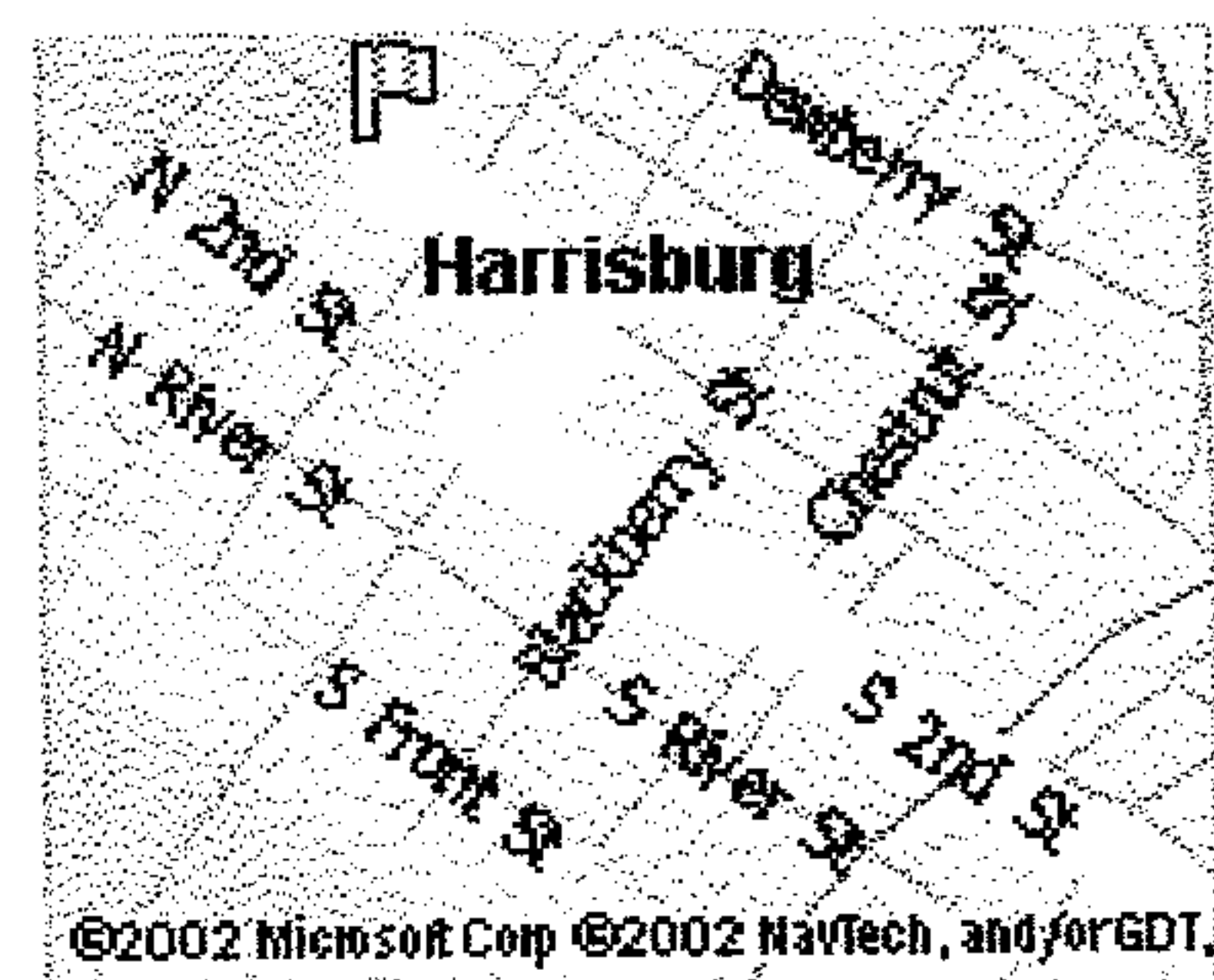
Exhibit 1



Joseph P. McCool,

<b>6:</b> *Toll road* Merge onto I-276 [Pennsylvania Tpke]	24.9
<b>7:</b> *Toll road* At I-276 Exit 326, stay on I-276 [Pennsylvania Tpke] (West)	0.3
<b>8:</b> *Toll road* Merge onto I-76 [Pennsylvania Tpke]	78.8
<b>9:</b> Construction near Middletown (June 14, 2002 - March 14, 2003)	
<b>10:</b> Take Ramp (RIGHT) onto I-283	2.0
<b>11:</b> Construction near Middletown (June 14, 2002 - March 14, 2003)	
<b>12:</b> At I-283 Exit 2, turn RIGHT onto Ramp	0.1
<b>13:</b> Construction near Middletown (June 14, 2002 - March 14, 2003)	
<b>14:</b> Turn LEFT (West) onto SR-441 [Lindle Rd]	0.2
<b>15:</b> Construction near Middletown (June 14, 2002 - March 14, 2003)	
<b>16:</b> Turn RIGHT (North) onto Eisenhower Blvd	1.0
<b>17:</b> Take Ramp (RIGHT) onto I-83	3.3
<b>18:</b> At I-83 Exit 43, turn RIGHT onto Ramp	0.2
<b>19:</b> Bear LEFT (West) onto 2nd St [Race St]	< 0.1
<b>20:</b> Bear RIGHT (North-West) onto 2nd St	0.5
<b>21:</b> Keep STRAIGHT onto (S) 2nd St [S Market Sq]	0.1
<b>22:</b> Turn RIGHT (North-East) onto Martin Luther King Blvd [Market St], then immediately turn LEFT (North-West) onto N Court St	0.1

Arrive 228 Walnut St, Harrisburg, PA 17101



Get driving directions no matter where you are!

Call and just say "driving directions".

(23)  
2/4/02  
KF

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

TERRI LYNN EDWARDS,

Plaintiff

v.

PENNSYLVANIA TURNPIKE COMMISSION,

Defendant

1:CV-01-0357

(Judge McClure)

**FILED**  
**WILLIAMSPORT**

FEB - 4 2002

PER KF  
DEPUTY CLERK

**ORDER**

February 4, 2002

**BACKGROUND:**

A case management conference was held by telephone conference call on February 4, 2002. Participating in the conference, in addition to the undersigned judge, were Andrew J. Ostrowski, Esquire, attorney for plaintiff, and Marvin L. Weinberg, Esquire, attorney for defendant, and Joseph P. McCool, appearing *pro se*. The subject of the call was the motion to quash subpoena, filed January 29, 2002, by Joseph P. McCool.

Plaintiff conceded that the distance between the home of the witness (in the Eastern District of Pennsylvania) and the place of deposition exceeded 100 miles.

Exhibit 2



The court declined to modify the subpoena, and the witness did not wish to appear voluntarily.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. The motion to quash subpoena (record document no. 21, filed January 29, 2002) is granted.
2. The subpoena is quashed.



James F. McClure, Jr.  
United States District Judge

**Issued by the**  
**UNITED STATES DISTRICT COURT**

MIDDLE

DISTRICT OF

PENNSYLVANIA

HARRY WILLIAMS  
 V.  
 PENNSYLVANIA TURNPIKE  
 COMMISSION

**SUBPOENA IN A CIVIL CASE**Case Number:<sup>1</sup> 1:CV-01-0877

TO: Joseph McCool  
 3582 Teton Road  
 Philadelphia, PA 19154

☒ YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY  
 United States District Courthouse  
 228 Walnut Street  
 Harrisburg, PA 17108

COURTROOM

# 3 8th Floor

DATE AND TIME

Monday April 7, 2003 @ 9:30  
a.m.

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

PLACE

DATE AND TIME

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

DATE

Andrew J. Ostrowski, Esq.  
 Attorney for Plaintiff

3/9/03

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

BAILEY, STRETTON & OSTROWSKI (717) 221-9500  
 4311 North 6th Street  
 Harrisburg, PA 17110

(See Rule 45, Federal Rules of Civil Procedure, Parts C &amp; D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number.



**United States District Court**  
**Middle District of Pennsylvania**

**Harry E. Williams Jr.,**

**Plaintiff**

**VS.**

**Pennsylvania Turnpike Commission,**

**Defendant**

**: Case Number: 1:CV-01-0877**

## **CERTIFICATE OF SERVICE**

**I, Joseph P. McCool, hereby certify that I am this day serving a true and correct copy of the Motion to Quash Subpoena via Prepaid First Class Mail upon the following:**

**Andrew J. Ostrowski, Esq.**  
4311 N. 6<sup>th</sup> Street  
Harrisburg, PA 17110

**Pennsylvania Turnpike Commission**  
**c/o Marvin L. Weinberg**  
**2000 Market Street**  
**Philadelphia, PA 19103-3291**

**Joseph P. McCool, Pro Se**  
**27 Lukens Street**  
**Feasterville, PA 19053-6507**  
**Phone: 215-396-2350**

DATED: 4/12/03



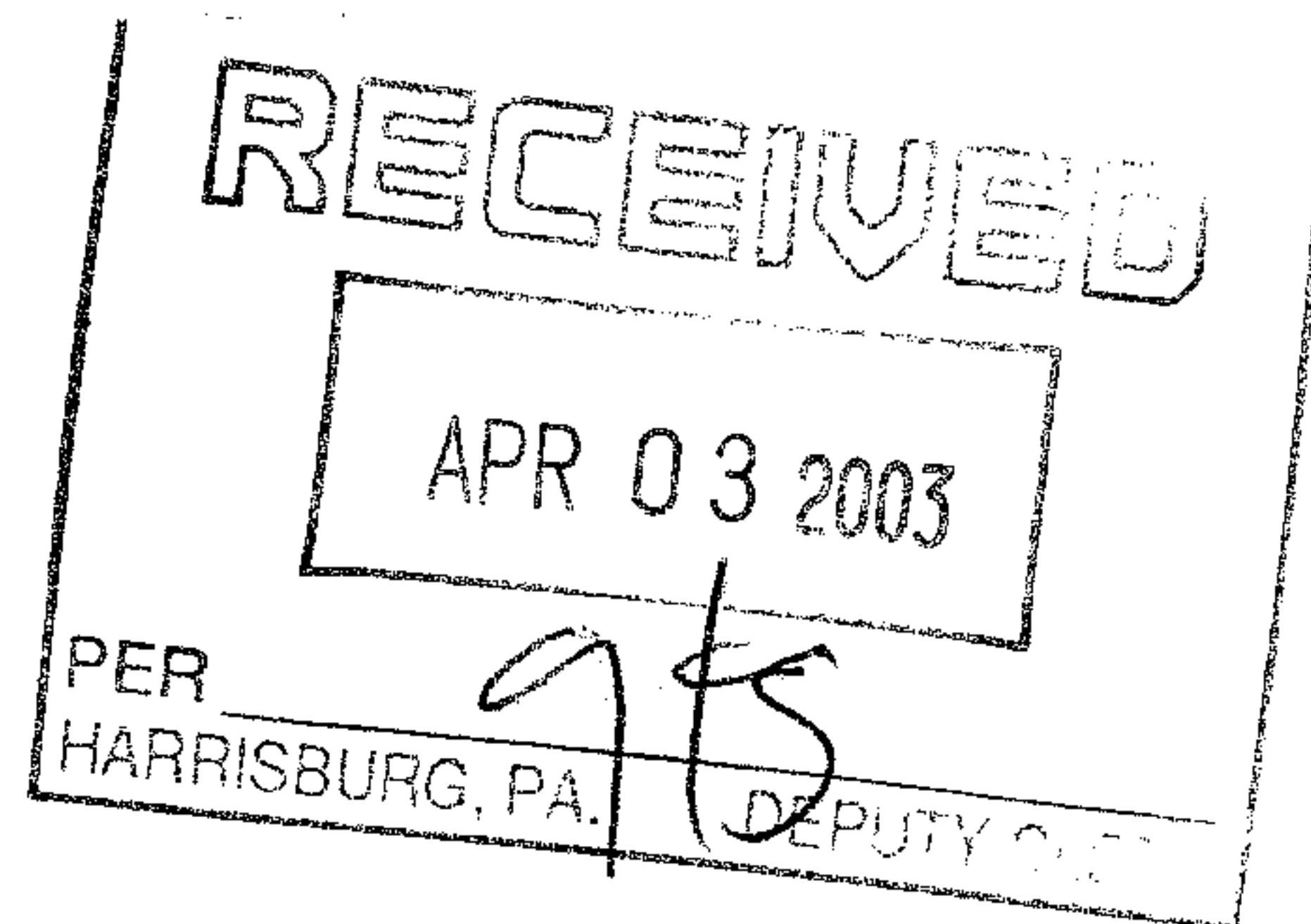
**Joseph P. McCool**  
27 Lukens Street  
Feasterville, PA 19053-6507  
215-396-2350

April 2, 2003

Andrew J. Ostrowski, Esq.  
4311 N. 6<sup>th</sup> Street  
Harrisburg, PA 17110

Certified Mail, Return Receipt Requested  
7000 1670 0001 4761 2936

Re: United States District Court  
Middle District of Pennsylvania  
Case Number: 1:CV-01-0877



Dear Mr. Ostrowski:

Enclosed please find a copy of a Motion to Quash Subpoena the original of which was filed with the Court this date via Federal Express Next Day Delivery. Be advised that, pending the Court's decision, I will not obey the subpoena since it purports to require me, a non-party, to attend at a place not within the limits provided by Rule 45, (c)(3)(A)(ii). I also notified your office by telephone on this date.

Sincerely,

  
Joseph P. McCool

Enclosure

cc: Clerk's Office, United States District Court, Middle District of Pennsylvania ✓  
Pennsylvania Turnpike Commission, c/o Marvin L. Weinberg